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RECEIVED
2012 SEP 24 PM 3:49
6EN-H
HAZARDOUS WASTE
ENFORCEMENT BRANCH

Walter D. James III
walter.james@jamespllc.com

September 20, 2012

via e-mail to salinas.gabriel@epa.gov

Gabriel Salinas
United States Environmental Protection Agency, Region 6
Compliance Assurance and Enforcement Division
Hazardous Waste Enforcement Branch
Compliance Enforcement Section (6EN-HE)
1445 Ross Avenue
Dallas, TX 75202-2733

**RE: Al-Kel Alliance, Inc. Submission in Compliance with the Consent Agreement
and Final Order, Docket No. RCRA 06-2012-0926**

Dear Mr. Salinas:

Please find enclosed Al-Kel Alliance, Inc.'s submission in compliance with the August 22, 2012, Consent Agreement and Final Order. Let me know if you want the documents in hard copy; also, let me know if you would like any additional information.

Should you have any questions, please feel free to give me a call.

Sincerely,



Walter D. James III


Encl.

Cc: Thomas Rucki via e-mail at rucki.thomas@epa.gov

www.jamespllc.com

I certify that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

September 20, 2012.



Blain Vinson
Al-Kel Alliance, Inc.

**AL-KEL ALLIANCE, INC.'S
COMPLIANCE AGREEMENT AND FINAL ORDER
SUBMISSION**

Pursuant to the Compliance Agreement and Final Order entered August 22, 2012, Al-Kel Alliance, Inc. ("Al-Kel") makes the following submission:

15. Regarding Section E of the Complaint, within thirty (30) days of the effective date of this CAFO, Respondent shall have completed its development of a training plan for its employees in order to supplement and expand upon its current employee training program to comply with 40 C.F.R. § 265.16 and shall provide EPA with such training plan/policy.

Al-Kel Response:

See the attached documents. See also documents previously submitted on July 10, 2012.

16. Regarding Section H of the Complaint, within thirty (30) days of the effective date of this CAFO, Respondent will develop and provide EPA with a facility specific checklist (to which Respondent will adhere) for maintenance and testing of alarm systems, fire protection equipment, spill control equipment, and decontamination equipment to comply with 40 C.F.R. § 265.33.

Al-Kel Response:

See the attached documents. See also documents previously submitted on July 10, 2012.

17. Regarding Section I of the Complaint, within thirty (30) days of the effective date of this CAFO, Respondent will ensure that all personnel involved in the operation have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee to comply with 40 C.F.R. § 265.34.

Al-Kel Response:

Al-Kel has identified all internal alarms and/or emergency communication devices and has trained and/or re-trained all employees regarding access to such internal alarms and/or emergency communication devices.

18. Regarding Section K of the Complaint, within thirty (30) days of the effective date of this CAFO, Respondent will provide documents that it has made, or attempted to make, appropriate arrangements with local police and hospital officials regarding the type of waste handled at the facility and the potential need for the services of these organizations to comply with 40 C.F.R. § 265.37.

Al-Kel Response:

See the attached documents. See also documents previously submitted on July 10,

2012.

19. Regarding Section L of the Complaint, within thirty (30) days of the effective date of this CAFO, Respondent shall amend and provide to EPA its contingency plan for the facility to comply with 40 C.F.R. Part 265 Subpart D.

Al-Kel Response:

See documents previously submitted on July 10, 2012.

20. Regarding Section M of the Complaint, Respondent has agreed that it does, and will continue to, ensure that hazardous waste determinations are being made on all consolidated wastes and wastes generated at the facility (regardless of what field tests reveal) in accordance with EPA approved test methods, specifically, 40 C.F.R. § 262.11(c)(1) and also per the TES Waste Determination Procedures document provided to the EPA from Respondent on May 29, 2012.

Al-Kel Response:

Al-Kel does and will continue to ensure that hazardous waste determinations are being made on all consolidated wastes and wastes generated at the facility in accordance with test methods approved by the United States Environmental Protection Agency and the TES Waste Determination Procedures document previously provided on May 29, 2012.

WORKPLACE INSPECTION PROGRAM
Employee Alarm and Warning Systems

Location:

Name of Inspector

Date

Time

General

	Yes	No	NA
Does your Emergency Response Plan include a way to alert employees, including disabled workers, to evacuate or take other action, and how to report emergencies?			
Have you established an alarm system that complies with 1910.38(d), 1910.165?			
If the employee alarm system is used for alerting emergency responders, or for other purposes, is a distinctive signal used for each purpose?			
Does the employee alarm system provide warning for necessary emergency action as called for in the emergency action plan, or for reaction time for safe escape of employees from the workplace or the immediate work area, or both?			
Can alarms be heard, seen, or otherwise perceived by everyone in the workplace?			
Is there an auxiliary power supply for the alarm system?			
Do you ensure that alarms are distinctive and recognized by all employees as a signal to evacuate the work area or perform actions identified in your plan?			
Have you made available an emergency communications system such as a public address system, portable radio unit, or other means to notify employees of the emergency and to contact local law enforcement, the fire department, or others?			
Have you established procedures for sounding emergency alarms in the workplace			
Comments			

Selection

	Yes	No	NA
Are only approved devices, components, combinations of devices, or systems used? (NOTE: Steam whistles, air horns, strobe lights, (or similar lighting devices) or tactile devices meeting the requirements of 1910.165 are considered to meet this requirement for approval.			
Do audible alarms exceed the ambient noise level by at least six decibels?			

WORKPLACE INSPECTION PROGRAM
Employee Alarm and Warning Systems

Is the light intensity at least 75 candela?			
Are alarms with integrated audible and visual signals used to accommodate the hearing and visually impaired, and for areas where a person may be working alone?			
Does the company avoid using strobe devices that flash at rates above five flashes per second (fps)? Rates above 5fps can trigger seizures in persons with certain forms of epilepsy.			
Comments			

Installation

Yes No NA

Is at least one visual alarm in each room and any other general usage areas (guest restrooms, meeting rooms) which may be occupied by those with hearing impairments?			
Do you consider more than one alarm per room for those areas that exceed the manufacturer's spacing requirements?			
Are visual and audible devices mounted 80 inches above the highest floor level within the space or six inches below the ceiling, whichever is lower?			
Are spare alarm devices and components readily available?			
Comments			

Manual Operation

Yes No NA

Are manually activated alarms unobstructed, conspicuous, and readily accessible?			
Comments			

Maintenance and Testing

Yes No NA

Are all employee alarm systems in proper working condition, except when undergoing repairs and maintenance?			
Is the reliability and adequacy of non-supervised employee alarm systems tested every two months?			
Is a different actuation device used in each test of a multi-actuation device system?			
Are power supplies maintained or replaced as often is necessary to assure a fully operational condition?			

WORKPLACE INSPECTION PROGRAM
Employee Alarm and Warning Systems

Are back-up alarms provided when alarm systems are out of service?			
Is employee alarm circuitry installed after January 1, 1981, supervised and does it provide positive notification to assigned personnel whenever a deficiency exists in the system?			
Are servicing, maintenance, and testing of employee alarm systems done by properly trained persons?			
Are all employee alarm systems restored to normal operating condition as soon as possible after each test of the alarm?			
Comments			

WORKPLACE INSPECTION PROGRAM

Emergency Response

Location:

Name of Inspector

Date

Time

Emergency Action Plan

Yes

No

NA

Is there an emergency action plan (EAP) in place detailing procedures employees should follow in an emergency?

Does the EAP include procedures for all anticipated emergency situations (e.g., fire tornado, bomb threat, explosions, etc.)?

Does the EAP include escape procedures and routes?

Do the escape procedures and routes accommodate disabled employees?

Does the EAP contain procedures for those remaining in the facility to perform critical operations?

Do you have headcount procedures (e.g., locations, methods of accounting for employees, etc.)

Have rescue and medical duties been assigned to appropriate personnel or outside contractors or agencies?

If your company is in a high rise building, does your emergency program include appropriate escape information?

Do you have an employee assistance program or some other means to provide counseling to employees if a disaster occurs?

Comments

Disaster recovery

Yes

No

NA

Have you established a work location that could be used if your facility would be unavailable due to disaster or emergency?

Does the temporary work location have all necessary equipment so critical business functions can be carried out?

Have necessary safety measures been taken to ensure that the temporary location is safe and will have necessary protective equipment?

Comments

WORKPLACE INSPECTION PROGRAM
Emergency Response

Rescue Workers

Yes No NA

Is air monitoring conducted to ensure the rescue air is safe?			
Are rescue workers protected against hazards that may be encountered (e.g., asbestos, silica)?			
Are rescue workers provided proper protective equipment for the hazards they face?			
Comments			

Public relations

Yes No NA

Has management designated a person(s) to speak with the public in the event of an accident at your company?			
Does this person have excellent communications skills?			
Have you established mutual aid agreements with local response agencies and businesses in order to avoid confusion and conflict during emergencies?			
Comments			

Alarms and warnings

Yes No NA

Does the employee alarm system provide warning for necessary emergency action as called for in the emergency action plan?			
Is the employee alarm capable of being perceived above ambient noise or light levels by all employees in the affected portions of the workplace?			
Is the employee alarm distinctive and recognizable as a signal to evacuate the work area or take necessary action?			
Have all employees been informed of the preferred means of reporting emergencies, such as manual pull box alarms, public address systems, radios or telephones?			
Are emergency telephone numbers posted near telephones, or employee notice boards, and other conspicuous locations?			
Have procedures been established for sounding emergency alarms in the workplace?			
Comments			

WORKPLACE INSPECTION PROGRAM

Emergency Response

Fire alarm systems

	Yes	No	NA
If you have a non-supervised fire alarm system, is it tested bi-monthly?			
If you have a supervised employee alarm system (i.e., the alarm has a device that indicates system malfunction) is tested yearly?			
Comments			

Dust

	Yes	No	NA
Are rescue workers provided with necessary PPE?			
Are dust and chemicals kept from being dispersed into the air?			
When effective engineering controls are not feasible, are workers using appropriate respirators to protect them from harmful dust, fogs, fumes, mist, gases, etc?			
Comments			

First aid and medical

	Yes	No	NA
Are medical personnel readily available for advice and consultation on matters of employees' health?			
At fixed workplaces, can each employee exposed to electric shock be reached by a person trained in CPR within 4 minutes?			
Do you have emergency eye wash and shower facilities within the immediate work area where workers are exposed to injurious corrosive materials?			
Do you have first aid kits easily accessible to each work area, with necessary supplies available, periodically inspected and replenished as needed?			
If medical and first aid facilities are not in proximity of your workplace, is at least one employee on each shift currently qualified to render first aid?			
Is there a hospital, clinic, or infirmary for medical care in close proximity if your workplace?			
Do you have a policy outlining the preferred method for transporting injured employees, such as by ambulance or company vehicle?			
Comments			

Hutchins Fire Rescue

P.O. Box 500

Hutchins, Tx. 75141

March 6, 2012

Blain Vinson
Prime Pack Inc.
4217 Mint Way
Dallas, TX 75237

Mr. Vinson,

Thank you for your visit with me today in regards to your Facility located in our city. I appreciate the energy that you have shown today in the cleaning up at Al-Kel. As I have said before I know the tremendous fire hazard that existed at your facility has been greatly reduced by the cleaning up around the yard. I look forward to the continued communication and interaction between Us and your facility in relation to hazard mitigation and awareness.

Again if you have any questions or comments feel free to contact me anytime.

Thank you,



Ryan M. Woolever

Captain

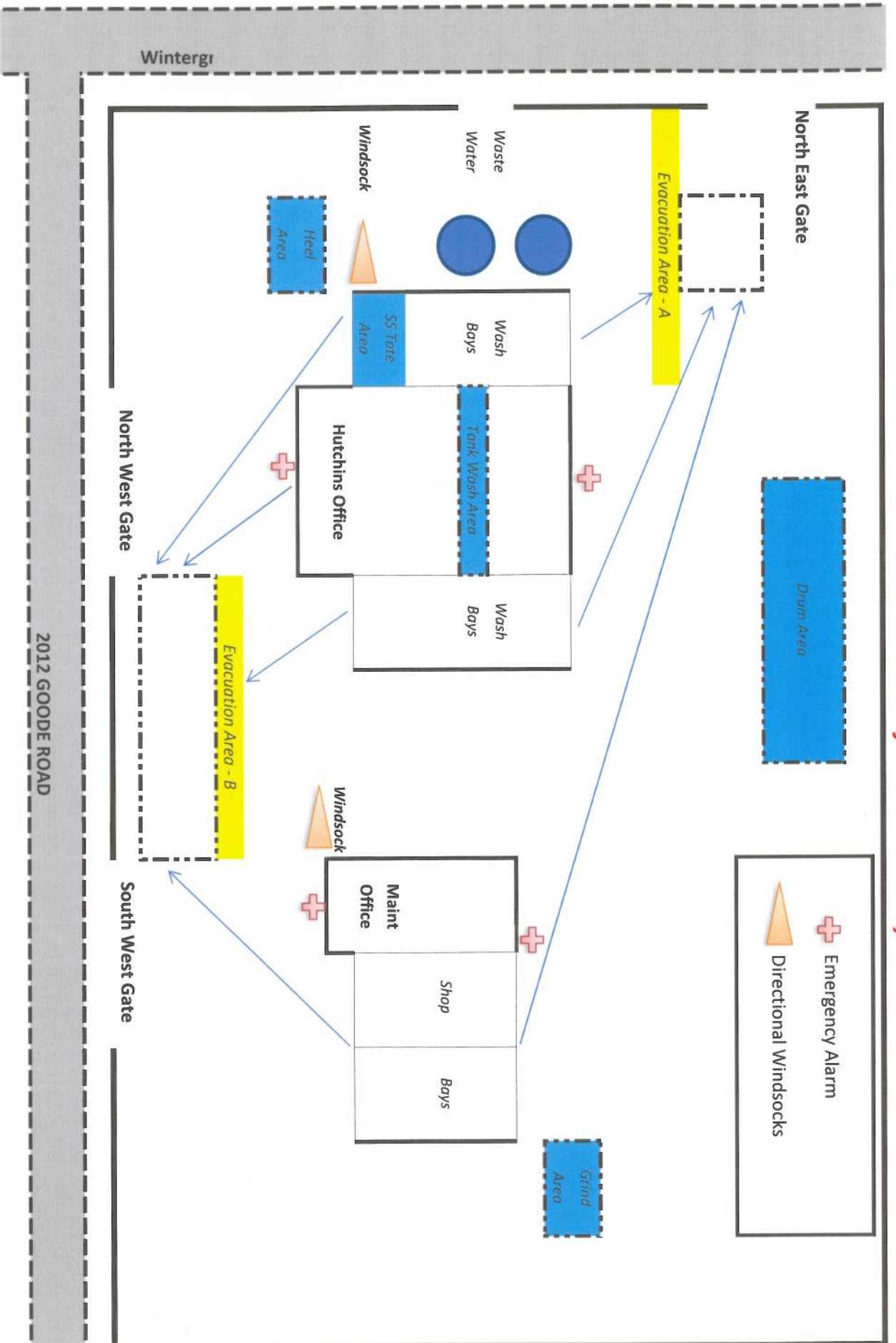
(O) 972 225-3311

(F) 972 225-3335

(C) 214 914-8601

Woolever@hutchinsfirerescue.org

Evacuation Routes for Al-Kel Facility





March 5, 2012

Mr. Blain Vinson,

TES is a 24 hour 7 day per week Emergency Responder. All of our employees, technicians and drivers are 40 HazWoper Trained. We are familiar with all of the chemicals handled and wastes generated at Prime Pack Inc. in Hutchins, Texas and are prepared to respond to any emergency discharge, spill or release if required.

Best Regards,

Mike Templin

Trans-Environmental Services, LLC

(940) 634-1310 (Cell)

mtemplin@trans-environmental.com

	Basic Safety and Emergency Response Awareness	General Hazard Awareness - Facilities	DOT General Hazardous Materials Awareness for	40 Hour Hazardous Waste Worker Operations	8 Hour Hazardous Waste Worker	8 Hour Hazardous Waste Supervisor	8 Hour Emergency Response Operations	24 Hour Emergency Response Technician	8 Hour Emergency Response Refresher	8 Hour Emergency Response Supervisor	8 Hour Permit Required Confined Space Entry
President	*										
COO	*										
Corporate Administration											
Director of Human Resources	*										
Office Manager	*										
Administrative Assistant	*										
Billing Clerk	*										
Customer Service Representative	*										
Sales											
Account Executive	*										
Operations											
Director of Operations	*	*	*	*			*	*			
Purchasing Manager	*	*		*				*			
Operations Manager - Transportation	*	*	*								
Driver Coordinator	*		*								
Dispatcher	*	*	*								
Driver			*								
Yard Driver	*		*								
Tank Washer	*	*	*	*							*
Flowback Operator			*								
Torque and Testing Technician			*								
Maintenance											
Maintenance Supervisor - Facilities	*	*		*				*			
Maintenance Technician - Facilities	*	*									
Maintenance Supervisor - Fleet	*	*									
Maintenance Technician - Fleet	*		*								
Warehouse											
Operations Manager - Warehouse	*	*		*				*			
Shipping/Receiving Supervisor	*	*		*							
Warehouse Worker	*	*									
Drum/Tote Washer	*	*									* (required for Valspar Tote cleaning)